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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,748	12/29/2004	Akihiro Matsuda	00250.000032	9204
5514 7590 05/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER SILBERMANN, JOANNE				
ART UNIT 3611		PAPER NUMBER		
MAIL DATE 05/13/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,748

Applicant(s)

MATSUDA ET AL.

Examiner

Joanne Silbermann

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/309)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 7 "the retroreflective element" lacks antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6/1 and 9/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. EP 0 333 502 B1 in view of McGaffigan, WO 98/53348.
5. Bradshaw teaches a retroreflective, internally illuminated sign which comprises an information display section having at least one flat surface 44 which retroreflects light coming from the front of the sign (automobile headlights, column 5 lines 31-32) and transmits light from the interior of the sign (light source 42) behind the information display section. Housing members 41 (Figure 4) enclose the sign. Retroreflective elements 49 comprise totally internally reflective material (column 6 lines 11-12). A

large number of such elements are disposed in close contact with each other to form each retroreflective plane.

6. Bradshaw does not teach the retroreflective elements having no bonded area with other layers, however this is well known in the art as shown by McGaffigan. It would have been obvious to a person having ordinary skill in the art to utilize layers that are not bonded, as in McGaffigan, so as to provide better illumination for the display. Regarding claim 9, McGaffigan also teaches a cylindrical shape. It would have been obvious to one of ordinary skill to utilize a shape which provides the best surface for the display.

7. Claims 2, 3, 6/2, 6/3, 8, 9/2 and 9/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. and McGaffigan as applied to claim 1 above, and further in view of Mimura et al. EP 1 136 847 A2.

8. Bradshaw and McGaffigan do not teach the specific details of the cube corner elements however such elements are taught by Mimura. Mimura teaches triangular-pyramidal cube-corner elements in closely packed pairs etc. as specifically described in the Abstract and paragraphs [0039] through [0042]. It would have been obvious to one of ordinary skill in the art to utilize such specific retroreflective elements so that a highly visible sign may be produced.

9. Claims 4/1, and 5/4/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. and McGaffigan as applied to claim 1 above, and further in view of Toshiba Corp. JP9-291280 A.

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10. Bradshaw and McGaffigan do not teach a display wherein the daylight color is fluorescent, however this is well known in the art as shown by Toshiba. Toshiba teaches a sign having a daylight fluorescent color of appropriate YF value. It would have been obvious to one of ordinary skill to utilize such a fluorescent color in the display of Bradshaw (as modified) to provide a better illuminated display.

11. Claims 4/2, 4/3, 5/4/2, and 5/4/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al., McGaffigan and Mimura et al. as applied to claims 2 and 3 above, and further in view of Toshiba.

12. Bradshaw, McGaffigan and Mimura do not teach the daylight color as being fluorescent, however it would have been obvious to utilize such a color for the same reasons as described above.

13. Claim 7/6/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al. and McGaffigan as applied to claim 6/1 above, and further in view of Abe et al. WO 99/04604.

14. Bradshaw and McGaffigan do not teach using electroluminescence, however this is well known in the art as shown by Abe. Abe teaches a luminescent device for a display. It would have been obvious to one of ordinary skill to utilize such a light source so that an efficient light source may be provided for the display.

15. Claims 7/6/2 and 7/6/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradshaw et al., McGaffigan and Mimura et al. as applied to claims 6/2 and 6/3 above, and further in view of Abe et al.

16. It would have been obvious to utilize an electroluminescent source for the same reasons as described above.

Response to Arguments

17. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silbermann

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Primary Examiner
Art Unit 3611

/Joanne Silbermann/
Primary Examiner, Art Unit 3611
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